

REMARKS

The Office Action dated January 27, 2005 has been carefully reviewed. Claims 1-18 are pending in this patent application. By this amendment, claims 1-18 have been canceled, and claims 19-37 have been added. Reconsideration of this application, as amended, is respectfully requested.

Amendment to Figures 8 and 9

Figure 8 has been amended to show vertical line VL and basket 66 as shown in red ink in the Attachment. Figure 8 has further been amended to move reference number 76 and its respective lead line to the location shown in red ink in the Attachment. Figure 9 has been amended to show basket 66 as shown in red ink in the Attachment. A replacement sheet showing the amendment is included herewith.

Amendment to Specification

The specification has been amended to set forth structure clearly shown in figure 8 and the rest of the written specification.

Rejection of Claims 1-18

Claims 1-18 were rejected under one or more of 35 U.S.C. § 102, 103 and 112. However, claims 1-18 have been canceled.

Newly Added Claims 19-37

Newly added claims 19-37 recite novel and nonobvious limitations. For instance, consider the following discussion.

Discussion Regarding Patentability of New Claim 19

Claim 19

Claim 19 reads as follows:

19. A self-checkout system, comprising:
a pillar;
a user interface extending from said pillar, said user interface including (i) a user input device operative to receive input from a user during operation of the self-checkout system, and (ii) a display device operative to display retail information to the user during operation of the self-checkout system;
a scanner positioned vertically below said user interface;
a bag retainer positioned vertically below said scanner and defining a bag space;
a bag retained by said bag retainer and positioned in said bag space;
a scale assembly positioned vertically below said bag retainer, said scale assembly including (i) a shelf extending from said pillar, and (ii) an item support surface positioned vertically above said shelf, wherein a basket space is defined vertically below said shelf, and wherein said scale assembly is operative to determine weight of items located in said bag; and
a basket positioned in said basket space, said basket being configured to receive retail items therein,
wherein said user interface, said scanner, said bag retainer, said bag, said scale assembly, and said basket are positioned in relation to each other such that, when said self-checkout system is viewed in a front elevational view, a vertical line intersects said user interface, said scanner, said bag retainer, said bag, said scale assembly, and said basket.

None of Bellis, Walter, and Dumont discloses all of the limitations of Applicants' claim 19. Among other distinctions, none of these references discloses a pillar from which extends a user interface and a scale assembly. Moreover, Bellis' bag retainers are located laterally to the right in relation to its scanner 120 and there is no basket positioned below a shelf of a scale. (See, e.g., Bellis at Fig. 1.) Walter is similarly distinguishable since its bag retainers 34

are located laterally to the right in relation to its scanner 16 and there is no basket positioned below a shelf of a scale. (See, e.g., Walter at Fig. 1.) Dumont, like Bellis and Walter, is distinguishable from Applicants' new claim 19 because there is no basket positioned below a shelf of its scale 61. (See, e.g., Dumont at Fig. 1.) It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since none of Bellis, Walter, and Dumont discloses each and every element of Applicants' new claim 19, none of Bellis, Walter, and Dumont anticipate Applicants' new claim 19.

Discussion Regarding Patentability of Claims 20-26

Each of claims 20-26 depends directly or indirectly from new claim 19. As a result, each of claims 20-26 is allowable for, at least, the reasons hereinbefore discussed with regard to new claim 19.

Discussion Regarding Patentability of Claim 27

The discussion relating to the patentability of claim 19 is relevant to the patentability of claim 27. Thus, claim 27 is allowable over the cited art.

Discussion Regarding Patentability of Claims 28-36

Each of claims 28-36 depends directly or indirectly from new claim 27. As a result, each of claims 28-36 is allowable for, at least, the reasons hereinbefore discussed with regard to new claim 27.

Discussion Regarding Patentability of Claim 37

The discussion relating to the patentability of claim 19 is relevant to the patentability of claim 37. Thus, claim 37 is allowable over the cited art.

Discussion Regarding Patentability of Claim 38

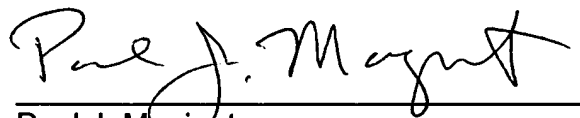
Claim 38 depends directly from new claim 37. As a result, claim 38 is allowable for, at least, the reasons hereinbefore discussed with regard to new claim 37.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

MAGINOT, MOORE & BECK LLP

A handwritten signature in cursive script, reading "Paul J. Maginot", written over a horizontal line.

Paul J. Maginot
Attorney for Applicants
Registration No. 34,984

May 27, 2005

Maginot, Moore & Beck
Bank One Center/Tower
111 Monument Circle, Suite 3000
Indianapolis, Indiana 46204-5115
Phone: (317) 638-2922
Fax: (317) 638-2139



ATTACHMENT

FIG. 8

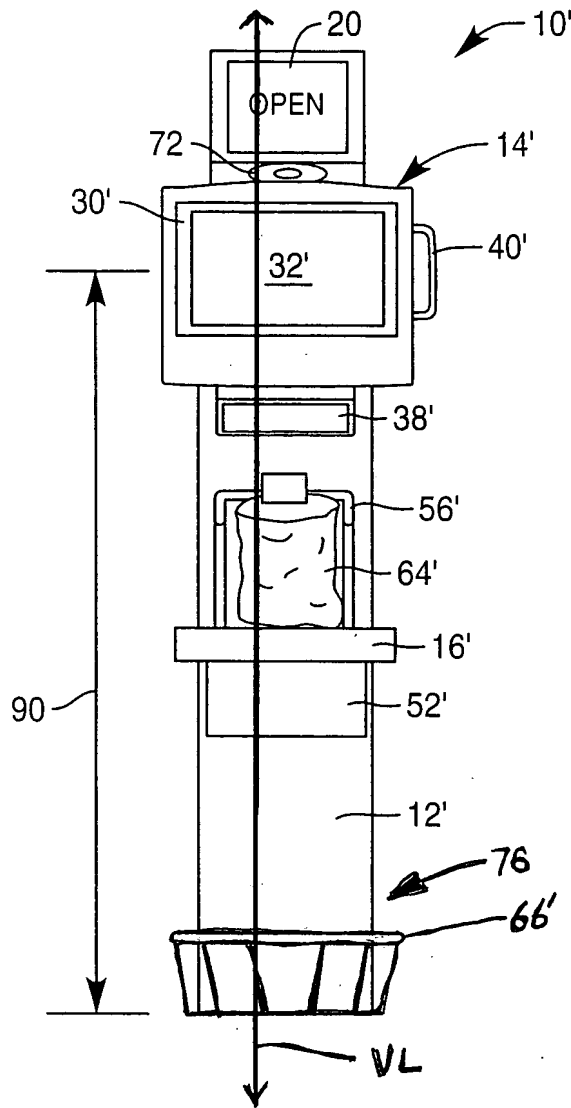


FIG. 9

